



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: June 4, 2024  
MOAHR Docket No.: 24-004537  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned administrative law judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference line on May 30, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Lori Turner, hearings facilitator, and Sunshine Simonson, specialist.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

### **FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of February 2024, Petitioner was an ongoing recipient of FAP with a benefit period certified through March 2024.
2. On February 5, 2024, MDHHS mailed Petitioner a Redetermination form to continue FAP benefits. Petitioner's due date to return the form was March 12, 2024: the date of a FAP interview. Boilerplate stated that Petitioner's FAP eligibility would end if the form was not returned before the end of the benefit period.

3. On March 12, 2024, MDHHS mailed Petitioner a Notice of Missed Appointment informing Petitioner of a failure to return a Redetermination form and/or be interviewed.
4. As of April 2024, Petitioner had not returned to MDHHS a Redetermination form.
5. Beginning April 2024, Petitioner's FAP eligibility ended.
6. On April 16, 2024, Petitioner requested a hearing to dispute the termination of FAP benefits.

### **CONCLUSIONS OF LAW**

The FAP (formerly known as the Food Stamp program) is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Missed Appointment form dated March 14, 2024, stated that Petitioner's FAP eligibility would end at the end of the month due to Petitioner's failure to return a Redetermination form and/or be interviewed. Exhibit A, p. 18.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (January 2024) p. 3. Bridges, the MDHHS database, automatically sends benefit recipients a DHS-1010, Redetermination form, three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. For FAP benefits, the redetermination process begins when the client files a DHS-1010 or other acceptable substitute form. *Id.*, p. 3.

For FAP benefits, MDHHS is also to conduct a telephone interview at redetermination before determining ongoing eligibility. *Id.*, p. 6. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. *Id.* FAP benefits stop at the end of the benefit period unless the redetermination process is completed and a new benefit period is certified. *Id.* If the redetermination packet is not logged-in by the last working day of the redetermination month, Bridges automatically closes the benefits and a Notice of Case Action is not generated. *Id.*, p. 14.

MDHHS mailed Petitioner a Redetermination form on February 5, 2024. Exhibit A, pp. 10-16. The Redetermination form warned Petitioner that the form must be completed and returned to MDHHS by March 12, 2024: the date of a redetermination telephone interview. MDHHS contended it did not receive the form by the due date; thus, MDHHS contended it properly did not contact Petitioner for a redetermination interview. MDHHS then mailed Petitioner a Notice of Missed Appointment on March 12, 2024 warning

Petitioner that the Redetermination form must be returned by the end of the month or FAP eligibility would end. Exhibit A, p. 18. MDHHS contended Petitioner's FAP eligibility properly closed after Petitioner failed to return the Redetermination form by the end of March 2024.

Petitioner testified that she returned the Redetermination form to MDHHS. Petitioner further testified she could not recall the date, but she was certain the submission occurred before the due date of March 12, 2024.

Petitioner's failure to return to MDHHS a Redetermination form by the end of the FAP benefit period was consistent with Petitioner's electronic case file. Documentation of Petitioner's submissions notably did not include a Redetermination form. Exhibit A, p. 17.

Petitioner's claim of submission was also overshadowed by a change in her testimony. Petitioner initially claimed that she signed a log provided by MDHHS when she submitted the Redetermination form. After MDHHS presented testimony that the submission log was checked and Petitioner's name was not listed, Petitioner testified that she did not sign a log and dropped the Redetermination form in the MDHHS office mailbox.

Furthermore, generally, the burden of proving a document submission is on the submitting party. Petitioner acknowledged she typically keeps evidence of submissions to MDHHS by taking a photo. Petitioner acknowledged not having corroborating evidence of her alleged Redetermination form submission.

Petitioner failed to establish timely returning a Redetermination form to MDHHS before the end of March 2024. Thus, MDHHS properly terminated Petitioner's FAP eligibility beginning March 2024. As discussed during the hearing, Petitioner's recourse is to reapply for FAP benefits.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning April 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



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**Christian Gardocki**  
Administrative Law Judge

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Via-Electronic Mail :**

**DHHS**  
Tara Roland 82-17  
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**Interested Parties**  
Wayne 17 County DHHS  
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MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
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